

SHIRLEY J. LERNER
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December 8, 2023

To the Honorable Judge Christopher M. Alston:

My name is Shirley J. Lerner. I am writing you today because I have questions re the legality of why no "Stay" was placed on my property to stop the auctioning of my long-time home & property (right before the Holidays I might add) when I filed Bankruptcy on 11/30/23 - Case 23-12339-CMA. Since no Stay was placed, my home & property was auctioned off on 12/1/23 by Quality Loan Service Corp (Robert McDonald, General Counsel/Attorney) from the directive of Specialized Loan Services who service my mortgage for my Lenders, Banc of America Funding Corp & U.S. Bank National Association as Trustee (Secured Creditor). My home & property was sold at a much lower price than the value of my property, which is Prime real estate due to having acreage very close to the City, a 98% chance I was told by the City that it can be short platted to build another home, a well-coveted school district, next to 6 acres of greenbelt which can never be built on, no HOA dues & very close to freeways, Costco, etc.

SLS (my Servicing Company) was well aware that I have been working with a Realtor, Mr. Chad Slayton with Keller Williams Realty Everett, getting any needed repairs finished so I could sell my home & property for the highest amount because I am a widow, & need enough money to be able to relocate & not be forced to live in poverty.

SLS was also well aware that I had much equity because they sent an Appraiser to do a drive-by appraisal on the property & home from the outside ONLY on 11/18/22 (have paperwork from SLS regarding this valuation).

I communicated directly with the Lender's Attorney, Dane Exnowski, by phone on 8/16/23 discussing my extreme hardships because of the effects of Covid, & he said I could email to him what I would like to share with the Lender's, so I sent an email on 8/17/23 to him outlining my circumstances & asked for additional time to sell my home. I was told I would have more time, so I stopped pursuing my Bankruptcy filed on 6/1/23, & it was dismissed on 9/21/23. The attorney then emailed & informed me that extra time granted to sell my home & property was contingent upon having an open Bankruptcy, which I did not know.

I have also communicated with SLS by two 3-way phone calls directly to their Foreclosure Dept with both my Realtor & also with NACA (a non-profit group who had sent papers to SLS in hopes of getting a postponement of the auction on 12/1/23. SLS's Foreclosure Dept told us on both 3-way calls they would not be able to reach the Lenders & that it was too late to stop the auction on 12/1/23 (yet they service the account for my Lenders & do make decisions for them). We asked to speak with Supervisors to no avail.

From my communication, SLS knew my intents of selling my home & property & also how Covid had greatly affected me & my family in many ways that was completely outlined in my 8/17/23 email.

And even though I had much equity, I never qualified to pull that equity out of my home to pay my arrears, & SLS never removed any late charges (that were postponed for people during Covid), like they did for many debtors & just kept adding attorney fees & more charges to hold an auction.

The first time I filed Bankruptcy was 8/26/22 Case 22- 11376-CMA - dismissed 12/09/22. During that time, SLS decided to do a trial modification plan late in 2022, & I managed to pay Oct, Nov & Dec payments of \$2,499.92 each. SLS sent modification papers in Jan 2023, but I was unable to pay at that time & did not sign them.

I kept up with the property as much as possible. I decided to sign with a Realtor in May of 2023, not realizing he was basically a house flipper, who pushed me so very hard to get out of my property within 2 weeks approximately so he could sell it quickly & stop the new auction date SLS had once again set for 6/2/23.

This realtor sent out teams of people (mostly all at the same time) to inspect, do repairs, work on the septic - I was having no trouble with my septic (over \$4,000 charged for septic alone) & charges for moving my belongings into storage 1 minute up the road (were approx \$3,000). That Realtor has charged me over \$17,000 which was to be paid after my home sold (exorbitant prices for lower quality work & materials used). All of this took its toll on me at age 77 at that time, & I decided to let that Realtor go from some sound advice I received.

Since I had the foreclosure date of 6/2/23 SLS had once again scheduled looming down on me, & I did not have money to pay arrears, I felt I had no choice but to refile Bankruptcy #2 on 6/1/23 Case 23-11022-TWD to try & salvage my property & sign with a reputable Realtor to sell.

I then decided to call direct an attorney, Dane Exnowski, for the Lenders on 8/16/23 & share my devastating circumstances in hopes he could inform the actual Lenders, because it has been difficult to reach people at SLS who can actual help, & I have gotten different stories from most people at SLS that I have spoken with regarding my property.

Myself & my family have been greatly affected by the Covid pandemic in many ways - 5 deaths in the last 2 & 1/2 years, my son's business was destroyed (which affected me financially), we had a bout with Covid as well but overcame it, my very trying situation with the one Realtor who took advantage of me, & I could go on.

My apologies for this email being longer, however, I felt it was necessary to give you background as to why I filed those 2 Bankruptcies & why I did not go through those 2 Bankruptcies. I am not just a habitual filer with the goal of trying to take advantage of the Lenders to stay in my home as long as possible. I only needed a little more time to complete a more profitable sale. The Holidays have not helped because people are extra busy & also the colder weather is here. I believe if the Lender's had known exactly what was transpiring, they would not have gone forward with the auction on 12/1/23.

My Servicing Company - Specialized Loan Services has many complaints against them. Now I can personally understand why. I have been told that a person cannot file Bankruptcy more than 2 times within a year. I have no funds to retain an attorney; however, I have had different people trying to help me by inquiring information from attorneys they know. Some say the year is determined by the dates a person files, others say the year is determined by the dates the Cases were dismissed, & Attorney Robert McDonald with Quality Loan Service Corp (that auctioned off my property) said the year is determined by the date that it closes out (assuming he meant when SLS closes it out -e.g.- he said my Bankruptcy filed on 8/26/22 & dismissed on 12/9/22 did not close out until 2/6/23).

So my question is this, Honorable Judge, "What determines the year when filing?" & if SLS does go by the date THEY close something out, could they not stall closing something out so it would then show I had 3 Bankruptcies within one year so that a "Stay" could not be put in place, nor

would a Judge be able to see the real story & only go by the Auctioneer's attorney (or an attorney for SLS) asking the Court Trustee perhaps that no Stay be put in place without considering factual information regarding my side of the situation?

This is my home, property & life at stake here. I should not be just another number to SLS, Quality Loans (Robert McDonald), my Lenders or the Courts. I should be treated with respect & fairness, & my side CONSIDERED as well before a Stay is denied.

Your Honor, I would be grateful if you read this email completely yourself (rather than a Trustee for the Court) to get an understanding of my situation & my side of what transpired & the very devastating affects I have had from my home being auctioned off right out from under me when I have been trying so very hard to get it ready to sell.

I am appealing to you to grant me a reversal of this sale of my home at least temporarily because I feel I have been wronged by Specialized Loan Services. I needed more time to advertise & complete a sale by my Realtor for what my home & property is actually worth, so I do not end up living in poverty. One additional fact is that I paid interest only on my mortgage for many years at a higher interest rate, so it is not like my Lenders have lost money with my loan.

Thank you for reading my email, Your Honor, & for considering the facts I have shared with you.

Sincerely,

Shirley J. Lerner
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